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International Court of Justice

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A. COMMON OBJECTIVES, METHODS AND DOCTRINES OF THE CONSPIRACY

Introduction

In 1921 Adolf Hitler became the supreme leader or Fuehrer of the Nationalsozialistische Deutsche Arbeiterpartei (National Socialist German Worker's Party), also known as the Nazi Party, which had been founded in Germany in 1920. He continued as such throughout the period covered by this Indictment. As will be hereinafter shown, the Nazi Party, together with certain of its subsidiary organizations, became the instrument of cohesion among the defendants and their co-conspirators and an instrument for the carrying out of the aims and purposes of their conspiracy. And as also will be hereinafter shown, each defendant became a member of the Nazi Party and of the conspiracy, with knowledge of their aims and purposes, or, with such knowledge, became an accessory to their aims and purposes at some stage of the development of the conspiracy.

I. Aims and Purposes. The aims and purposes of the Nazi conspirators were:

1. To abrogate and overthrow the Treaty of Versailles and its restrictions upon the military armament and activity of Germany.

The first major public meeting of the NSDAP took place in Munich on 24 February 1920. At that meeting Hitler publicly announced the Program of the Party. That program, consisting of 25 points (annually reprinted in the National Socialist Yearbook), was referred to as "The political foundation of the NSDAP and therewith the fundamental political law of the state" and "has remained unaltered" since the date of its promulgation. Section 2 of the Program provided as follows:

> "2. We demand equality of rights for the German people with respect to other nations, and abolition of the Peace Treaties of Versailles and St. Germain."
>
> 1708-PS - Nationalsozialistische Jahrbuch (National Socialist Yearbook), 1941, p. 158.

In a speech at Munich on 13 April 1923, Hitler said:

> "It was no Peace Treaty which they have signed, but a betrayal of Peace... So long as this Treaty stands there can be no resurrection of the German people: no social reform of any kind is possible. The Treaty was made

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in order to bring 20 million Germans to their deaths and to ruin the German nation. But those who made the Treaty cannot set it aside. At its foundation our movement formulated three demands:

1) Setting aside of the Peace Treaty
2) Unification of all Germans
3) Land and soil (Grund und Boden) to feed our nation."

2405-PS - (1) Adolf Hitlers Reden (Adolf Hitler's Speeches), Munich 1935, p. 66.

On August 1 of the same year Hitler declared:

"The day must come when a German government shall summon up the courage to declare to the foreign powers: 'The Treaty of Versailles is founded on a monstrous lie.' We fulfill nothing more. Do what you will! If you want battle, look for it! Then we shall see whether you can turn 70 million Germans into serfs and slaves!"

2405-PS - (2) Adolf Hitlers Reden (Adolf Hitler's Speeches), Munich, 1934, Boepple ed. p. 72. See also additional statements of HITLER contained in 2405-PS castigating those Germans who shared responsibility for the Treaty of Versailles, viz; the "November criminals."

In his speech of 30 January 1941 Hitler alluded to the consistency of his record concerning the aims of the National Socialist foreign policy in the following language:

"My foreign policy had identical aims. My program was to abolish the Treaty of Versailles. It is futile nonsense for the rest of the world to pretend today that I did not reveal this program until 1933 or 1935 or 1937. Instead of listening to the foolish chatter of emigres, these gentlemen would have been wiser to read what I have written thousands of times.

"No human being has declared or recorded what he wanted more than I. Again and again I wrote these words: 'The abolition of the Treaty of Versailles'..."

2541-PS, (1c), Der Grossdeutsche Freiheitskampf, Reden Adolf Hitler, (The Great German Fight for Freedom, Speech of Adolf Hitler), pp. 392-393. See also additional statements of Hitler to the same effect contained in 2541-PS.

Similar views were expressed by other Nazi conspirators. The defendant Rosenberg stated that the lie of Germany's war guilt was the basis of the Treaties of Versailles and St. Germain. He rejected the idea of a "revision" of those Treaties and demanded outright cancellation thereof.

2433-PS, (p.3), ROSENBERG, Wesen, Grundsatze und Ziele der NSDAP, (Character, Foundation and Aims of the NSDAP), Munich, 1934, pp. 13-15 (1st ed. 1922).

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The defendant Hess, in advocating re-armament in violation of treaty restrictions, stated in 1936 that "guns instead of butter" were necessary lest "one day our last butter be taken from us."

2426-PS - HESS, Reden (Speeches of Hess), p. 200.

2. To acquire the territories lost by Germany as the result of the World War of 1914-1918 and other territories in Europe asserted to be occupied by so-called "racial Germans."

Section I of the Nazi Party Platform imparted advance notice of the intentions of the Nazi conspirators to lay claim to territories occupied by so-called racial Germans. It provided:

> "We demand the unification of all Germans in the Greater Germany on the basis of the right of self-determination of people."
>
> 1708-PS - Nationalsozialistisches Jahrbuch, (National Socialist Yearbook), 1941, p. 158.

While the conspirator Rosenberg pointed out in 1922 that it was not possible at that time to designate "such European and non-European territories which would be taken into consideration for colonization" he nevertheless stated that the following could be laid down as a basic objective, namely that

> " ... German Foreign Policy must make its most important primary goal the consolidation of all Germans living closely together in Europe in one state and to secure the territory of what today is the Polish-Czech East." (Emphasis supplied)
>
> 2433-PS, (p.3), ROSENBERG, Wesen Grundsatze und Ziele der NSDAP (Character, Foundation and Aims of the NSDAP), Munich, 1934 (1st ed. 1922).

In his Reichstag speech of 20 February 1938 Hitler said:

> "The claim, therefore, for German colonial possession will be voiced from year to year with increasing vigor, possessions which Germany did not take away from other countries, and which today are virtually of no value to these powers, but appear indispensable for our own people."
>
> 2772-PS - Dokumente der Deutschen Politik, Band VI (Documents of German Politics), Speech of HITLER, p. 36.

Again, in his Reichstag speech of 30 January 1939 Hitler declared:

> "The theft of the German colonies was morally unjustified. Economically, it was utter insanity. The political motives advanced were so mean that one is tempted to call them silly. In 1918, after the end of the war, the victorious Powers really would have had the authority to bring about a reasonable settlement of international problems...

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> "The great German colonial possessions, which the Reich once acquired peacefully by treaties and by paying for them, have been stolen - contrary indeed to the solemn assurance given by President Wilson, which was the basic condition on which Germany laid down her arms. The objection that these colonial possessions are of no importance in any case should only lead to their being returned to us with an easy mind.
>
> 2773-PS - Dokumente der Deutschen Politik, Band VII Tiel 2 (Documents of German Politics), pp. 466, 467. Speech of HITLER.

3. To acquire further territories in continental Europe and elsewhere claimed to be required by "racial Germans" as "Lebensraum" or living space, all at the expense of neighboring and other countries.

Hitler made it clear that the objectives of the Nazi conspirators set forth above; namely, (i) abrogation of the Treaty of Versailles and (ii) recovery of territories lost in the first World War and annexation of territories occupied by "racial Germans," were, in fact, only preliminary steps in the implementation of a more ambitious plan of territorial aggrandizement. Thus he stated:

> "One must take the point of view, coolly and soberly, that it certainly cannot be the intention of Heaven to give one people fifty times as much space (Grund und Boden) on this earth as to another. One should not permit himself to be diverted in this case by political boundaries from the boundaries of eternal justice." (P. 152)
>
> "The boundaries of 1914 do not mean anything for the future of the German nation. They did not represent either a defense of the past nor would they represent a power in the future. The German people will not obtain either its inner compactness by them, nor will its nutrition be secured by them, nor do these boundaries appear from a military standpoint as appropriate or even satisfactory...." (p. 738-739)
>
> 2760-A-PS - HITLER, Mein Kampf, 1933 Verlag Franz Eher Nachfolger edition.

While the precise limits of German expansion were only vaguely defined by the Nazi conspirators, they clearly indicated that the lebensraum to which they felt they were entitled would be acquired primarily in the East. The defendant Rosenberg was particularly insistent in his declarations that Russia would have to "move over" to make way for German living space. He underlined this demand as follows:

> "The understanding that the German nation, if it is not to perish in the truest sense of the word, needs ground

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and soil for itself and its future generations, and the second sober perception that this soil can no more be conquered in Africa, but in Europe and first of all in the East - these organically determine the German foreign policy for centuries."

2777-PS - ROSENBERG, Nationalsozialistische Monatshefte, May, 1932, Article entitled "Raumpolitik (Space Policy), p. 199.

"The Russians...will have to confine themselves so as to remove their center of gravity to Asia."

2426-PS, (B), ROSENBERG, Der Mythos des 20 Jahrhunderts (1930), (The Myth of the Twentieth Century), 1941 edition, p. 642.

A similar view was expressed by Hitler in Mein Kampf:

"If one wanted territory in Europe, this could be done on the whole at the expense of Russia, and the new Reich would have to set out to march over the road of the former Knights, in order to give soil to the German plow by means of the German sword, and to give daily bread to the nation."

2760-A-PS, (p.2), HITLER, Mein Kampf, 1933, Verlag Franz Eher Nachfolger ed., p. 154.

In Mein Kampf Hitler threatened war as a means of attaining additional space:

"If this earth really has space (Raum) for all to live in, then we should be given the territory necessary... Of course, one will not do that gladly. Then, however, the right of self-preservation comes into force; that which is denied to kindness, the fist will have to take. If our forefathers had made their decisions dependent on the same pacifistic nonsense as the present, then we would possess only a third of our present territory... (p. 152)

"In contrast, we, National Socialists, have to hold on steadily to our foreign political goals, namely, to secure on this earth the territory due to the German people. And this action is the only one which will make bloody sacrifice before God and our German posterity appear justified..." (p. 738)

2760-A-PS - HITLER, Mein Kampf, 1933 Verlag Franz Eher Nachfolger Edition.

II. Methods. The Nazi conspirators advocated the accomplishment of the foregoing aims and purposes by any means deemed opportune, including illegal means and resort to threat of force, force and aggressive war.

The use of force was distinctly sanctioned, in fact guaranteed, by official statements and directives of the conspirators which made activism and aggressiveness a political quality obligatory for Party members.

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Hitler stated in Mein Kampf:

"...The lack of a great creative idea means at all times an impairment of the fighting spirit. The conviction that it is right to use even the most brutal weapons is always connected with the existence of a fanatical belief that it is necessary that a revolutionary new order of this earth should become victorious. A movement which does not fight for these highest aims and ideals will therefore never resort to the ultimate weapon" (p. 364 line 34 - p. 366 line 5)

"...It is not possible to undertake a task half-heartedly or hesitatingly if its execution seems to be feasible only by expending the very last ounce of energy....One had to become clear in one's mind that this goal [i.e. acquisition of new territory in Europe] could be achieved by fight alone and then had to face this armed conflict with calmness and composure." (pp. 153, 154)

2760-A-PS - HITLER, Mein Kampf, 1933 Verlag Franz Eher Nachfolger Edition.

In 1934 Hitler set out the duties of Party members in the following terms:

"Only a part of the people will be really active fighters. But they were the fighters of the National Socialist struggle. They were the fighters for the National Socialist revolution, and they are the millions of the rest of the population. For them it is not sufficient to confess: 'I believe,' but to swear: 'I fight'."

2775-PS - HITLER, Der Kongress zu Nürnberg, (Nürnberg Party Congress, 1934), p. 211.

This same theme is expressed in the Party organization book:

"The Party includes only fighters who are ready to accept and sacrifice everything in order to carry through the National Socialist ideology."

2774-PS - Organizationsbuch der NSDAP, (Organization Book of the NSDAP), 1937, p. 86.

At the trial of Reichswehr officers at Leipzig in September 1930 Hitler testified:

"Germany is being strangled by Peace Treaties...The National Socialists do not regard the Treaty as a law, but as something forced upon us. We do not want future generations, who are completely innocent, to be burdened by this. When we fight this with all means at our disposal, then we are on the way to a revolution."

President of the Court: "Even by illegal means?"

Hitler: "I will declare here and now, that when we have become powerful (gesiegt haben), then we shall fight against the Treaty with all the means at our disposal, even from the point of view of the world, with illegal means."

2512-PS - Frankfurter Zeitung, (Frankfurt Newspaper) 26 September 1930. Testimony of HITLER.

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Moreover, Hitler stated the true reason for rearmament as follows:

> "It is impossible to build up an army and give it a sense of worth if the object of its existence is not the preparation for war. Armies for the preservation of peace do not exist; they exist only for the triumphant exertion of war."
>
> 2541-PS - Adolf Hitler, Nationalsozialistische-Monatshefte; (National Socialist Monthly Review), No. 3, 1930, p. 101.

III. Doctrines. The Nazi conspirators adopted and published the following doctrines:

1. That persons of so-called "German blood" were a master race and were accordingly entitled to subjugate, dominate or exterminate other "races" and "peoples."

The Nazi doctrine of racial supremacy was incorporated as Point 4 in the Party Program of 24 February 1920, and provided as follows:

> "4. Only a member of the race can be a citizen. A member of the race can only be one who is of German blood, without consideration of creed. Consequently no Jew can be a member of the race."
>
> 1708-PS - Nationalsozialistisches Jahrbuch, (National Socialist Yearbook), 1941, p. 158.

The Nazi conspirators' dogma of the racial supremacy of the Germanic peoples was fully elucidated in the writings of the defendant Rosenberg:

> "The Meaning of world history has radiated out from the north over the whole world, borne by a blue-eyed blond race which in several great waves determined the spiritual face of the world..."
>
> "We stand today before a definitive decision. Either through a new experience and cultivation of the old blood, coupled with an enhanced fighting will, we will rise to a purificatory action, or the last Germanic-western values of morality and state-culture shall sink away in the filthy human masses of the big cities, become stunted on the sterile burning asphalt of a bestialized inhumanity, or trickle away as a morbific agent in the form of emigrants bastardizing themselves in South America, China, Dutch East India, Africa."
>
> "A new faith is arising today: the myth of the blood, the faith, to defend with the bood the divine essence of man. The faith, embodied in clearest knowledge that the Nordic blood represents that mysterium which has replaced and overcome the old sacraments."
>
> 2771-PS - U. S. State Dept. "National Socialism" pp. 174-175. Quoting from ROSENBERG, Der Mythos des 20 Jahrhunderts, 1935 edition. (The Myth of the Twentieth Century.)

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Thus, the Nazi conspirators acclaimed the "master race" doctrine as a new religion - the faith of the blood - superseding in individual allegiance all other religions and institutions. According to Rosenberg:

> "The new thought puts folk and race higher than the state and its forms. It declares protection of the folk more important than protection of a religious denomination, a class, the monarchy, or the republic; it sees in treason against the folk a greater crime than treason against the state."
>
> 2771-PS - U. S. State Dept., "National Socialism," p. 32, quoting from ROSENBERG, Der Mythos des 20 Jahrhunderts, (The Myth of the Twentieth Century), 1935 Edition, p. 542. See also further excerpts from Rosenberg's writings contained in 2405-PS (6) and (7).

Illustrative of the Nazi conspirators' continued espousal and exploitation of racial dogmas following their accession to power was the discriminatory legislation which they caused to be enacted. These laws, with particular reference to Jews, are documented below.

(See Trial Brief on Count I, Par. IV D 3 (d) of the Indictment.)

The logical consequence of the "master race" dogma in its bearing on the right of Germany to dominate other "inferior" peoples and to acquire such of their territory as was considered necessary for German living space was disclosed by the Nazi conspirators. In a speech concluding the Reichsparteitag at Nürnberg on 3 September 1933 Hitler said:

> "But long ago man has proceeded in the same way with his fellowman. The higher race--at first 'higher' in the sense of possessing a greater gift for organization--subjects to itself a lower race and thus constitutes a relationship which now embraces races of unequal value. Thus there results the subjection of a number of people under the will often of only a few persons, a subjection based simply on the right of the stronger, a right which, as we see it in Nature, can be regarded as the sole conceivable right because founded on reason. The wild mustang does not take upon itself the yoke imposed by man either voluntarily or joyfully; neither does one people welcome the violence of another."
>
> 2584-PS - Der erste Reichstag der geeinten Deutschen Ration, (Reimer Habbing, Berlin). Nürnberg, 1933, p. 105. Speech by HITLER.

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I.
C.
2. The Fuehrerprinzip (Fuehrer Principle).

a. Essential elements of the Fuehrerprinzip:

(1) Complete and total authority is vested in the Fuehrer.

"The Fuehrer Principle requires a pyramidal organization structure in its details as well as in its entirety.

"The Fuehrer is at the top.

"He nominates the necessary leaders for the various spheres of work of the Reich's direction, the Party apparatus and the State administration."

1814-PS - Organisationsbuch der NSDAP (Organization Book of the NSDAP), Editions of 1936, 1938 and 1940, pp. 86-88.

"He shapes the collective will of the people within himself and he enjoys the political unity and entirety of the people in opposition to individual interests."

"The Fuehrer unites in himself all the sovereign authority of the Reich; all public authority in the state as well as in the movement is derived from the authority of the Fuehrer. We must speak not of the state's authority but of the Fuehrer's authority if we wish to designate the character of the political authority within the Reich correctly. The state does not hold political authority as an impersonal unit but receives it from the Fuehrer as the executor of the national will. The authority of the Fuehrer is complete and all-embracing; it unites in itself all the means of political direction; it extends into all fields of national life; it embraces the entire people, which is bound to the Fuehrer in loyalty and obedience. The authority of the Fuehrer is not limited by checks and controls, by special autonomous bodies or individual rights, but it is free and independent, all-inclusive and unlimited."

"The Fuehrer-Reich of the (German) people is founded on the recognition that the true will of the people cannot be disclosed through parliamentary votes and plebiscites but that the will of the people in its pure and uncorrupted form can only be expressed through the Fuehrer."

2771-PS - U. S. State Department National Socialism, p. 34, which quotes Huber, Verfassungsrecht des Grossdeutschen Reiches (Constitutional Law of the Greater German Reich), Hamburg, 1939, p. 155.

"Thus at the head of the Reich, stands a single Fuehrer, who in his personality embodies the idea which sustains all and whose spirit and will therefore animate the entire community."

2780-PS - Kluge-Krueger, Verfassung und Verwaltung im Dritten Reich (Constitution and Administration in the Third Reich), Berlin, 1937, p. 50.

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As stated in the Organization Book of the Nazi Party:

"The will of the Fuehrer is the Party's law."

1814-PS - Organisationsbuch der NSDAP (Organization Book of the NSDAP), Editions of 1936, 1938 and 1940, p. 146.

The first commandment for the Party members declares:

"The Fuehrer is always right."

Ibid., p. 194.

"He (the Fuehrer) is responsible only to his conscience and the German people."

Ibid., p. 146.

The defendant Hess, in a broadcast speech at Cologne on 25 June 1934, characterized the position of the Fuehrer as follows:

"It is with pride that we see that one man is kept above all criticism -- that is the Fuehrer.

"The reason is that everyone feels and knows: he was always right and will always be right. The National Socialism of us all is anchored in the uncritical loyalty, in the devotion to the Fuehrer that does not ask for the wherefore in the individual case, in the tacit performance of his commands. We believe that the Fuehrer is fulfilling a divine mission to German destiny! This belief is beyond challenge."

2426-PS - HESS, Reden, Munich, 1938, p. 25. See also additional statements of the Nazi conspirators designed to condition the German people to blind acceptance of the decisions of the Fuehrer and his co-conspirators, as translated in 2373-PS.

(2) The Fuehrer's power descends to subleaders in a hierarchical order.

In the words of the Organization Book of the NSDAP:

"The Party is the order of fuehrers."

"All political directors (Politische Leiter) stand as appointed by the Fuehrer and are responsible to him. They possess full authority towards the lower echelons."

1893-PS - Organisationsbuch der NSDAP, 1943 Edition, p. 14.

"He (The Fuehrer) nominates the necessary leaders for the various spheres of work of the Reichs' direction, the Party apparatus, and the State administration."

1814-PS - Organisationsbuch der NSDAP, Editions of 1936, 1938 and 1940, p. 86.

The effect of this is most aptly express by Hitler when he said in 1933:

"When our opponents said, 'It is easy for you: you are a dictator' - - We answer them, 'No, gentlemen, you are wrong; there is no single dictator, but ten

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thousand, each in his own place.' And even the highest quthority in the hierarchy has itself only one wish, never to transgress against the supreme authority to which it, too, is responsible."

2771-PS, U. S. State Department National Socialism, p. 40, quoting from Hitler's My New Order, p. 159.

(3) Each subleader is bound to unconditional obedience to his immediate superior and to the Fuehrer.

As Hitler said,

"We have in our movement developed this loyalty in following the leader, this blind obedience of which all the others know nothing and which gave to us the power to surmount everything."

2771-PS, U.S. State Department National Socialism, p. 40, quoting from Hitler's My New Order, p. 159.

The duty of obedience is so fundamental in fact that it is incorporated as the second of the NSDAP commandments for party members:

"Never go against discipline!"

2771-PS, U. S. State Dept. National Socialism, p. 194, quoting Organisationsbuch der NSDAP, 1940.

As the Nazi conspirator Ley said:

"Our conscience is clearly and exactly defined. Only what Adolf Hitler, our Fuehrer, commands, allows, or does not allow is our conscience."

2771-PS - State Dept. National Socialism, p. 39, quoting from Der Angriff, April 1942, speech by Ley, 12 June 1935.

The obedience required was not the loyalty of a soldier to the fatherland, as was the case prior to the Nazi regime. On the contrary, the obedience exacted was unconditional and absolute, regardless of the legality or illegality of the order. The oath taken by political leaders (Politische Leiter) yearly was as follows:

"I pledge eternal allegiance to Adolf Hitler. I pledge unconditional obedience to him and the Fuehrers appointed by him."

1893-PS - Organisationsbuch der NSDAP, 1943 edition, p. 16.

(4) Each subleader is absolute in his own sphere of jurisdiction.

The Nazi Party Organization Book lays down the same principle with respect to the successive tiers of its leaders:

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"The Fuehrer Principle represented by the Party imposes complete responsibility on all party leaders for their respective spheres of activity . . . The responsibility for all tasks within a major sphere of jurisdiction rests with the respective leader of the NSDAP: i.e., with the Fuehrer for the territory of the Reich, the Gauleiter for the territory of the Gau, the district leader for the territory of the district, the local leader for the territory of the local group, etc.

"The Party leader has responsibility for the entire territory under his jurisdiction on the one hand, and on the other hand, his own political fields of activity appertaining thereto.

"This responsibility for the complete or partial performance of task entails a relationship of subordination of the leaders among themselves, corresponding to the fuehrer principle."

2771-PS - U. S. State Dept., National Socialism, pp. 196-197, quoting from the Organisationsbuch der NSDAP (1940 Ed., pp. 93-96.)

b. The German People should be ruled under the Fuehrer Principle.

Reference is made to the foregoing paragraphs of this brief on the elements of the Leadership Principle and to the following paragraphs on the leadership of the Nazi Party for proof of this allegation.

3. Glorification of War - War was a noble and necessary activity of Germans.

The Nazi conspirators put forth and disseminated dogmas and propaganda which was designed to engender in the masses a deep reverance for the vocation of the warrior and to induce acceptance of the postulate that the waging of war was good and desirable per se. The motive underlying the concerted program of the Nazis to glorify war was disclosed by Hitler in Mein Kampf. He said:

"Thus the question of how to regain German power is not: How shall we manufacture arms?, but: How do we create the spirit which enables a nation to bear arms? If this spirit governs a people, the will finds thousands of ways, each of which ends with a weapon!" (p. 365)

"...Oppressed countries are led back into the lap of a common Reich by a mighty sword and not by flaming protests... It is the task of the inner political leaders of a people to forge this sword; to safeguard the work of the smith and to seek comrades in arms in the task of the foreign policy." (pp. 688-689)

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2760-A-PS - HITLER, Mein Kampf, 1933 Verlag Franz Eher Nachfolger Edition.

Hitler's writings and public utterances are replete with declarations rationalizing the use of force and glorifying war. The following are typical:

> "Always before God and the world, the stronger has the right to carry through his will. History proves it: He who has no might, has no use for might."
>
> 2405-PS, (8) - Hitlers Reden, (Speech of 13 April 1923), (Hitler's Speeches), p. 55.
>
> "The political testament of the German People for its foreign policy should and must always follow this line of thought: Never tolerate the rise of two continental powers in Europe. See in every attempt to organize a second military power,... an attack against Germany and take therefrom not only the right but the duty to prevent by all means, including the use of arms, the rise of such a state, respectively to destroy such a state if it has already arisen. Take care that the strength of our people should have its foundation not in colonies but in the soil of the home Country in Europe. Never consider the Reich as secured as long as it cannot give to every descendant of our people his own bit of soil for centuries to come, never forget that the most sacred right on this earth is the right to own the soil which one wants to cultivate and the most sacred sacrifice, the blood which is shed for this soil."
>
> 2760-A-PS - Hitler, Mein Kampf, 1933, Verlag Franz Eher Nachfolger edition (pp. 754, 755).

4. The leadership of the Nazi Party.

a. The Nazi Party leadership was the sole bearer of the doctrines of the Nazi Party.

The Party Organization Book declares:

> "The Party as an instrument of ideological education, must grow to be the Leader Corps (Fuehrer Korps) of the German Nation.
>
> "This Leader Corps is responsible for the complete penetration of the German Nation with the National Socialist spirit..."
>
> 1893-PS - Organisationsbuch der NSDAP, (Organization Book of the NSDAP), 1943 Edition, p. 13.
>
> "The Party is the order of fuehrers. It is furthermore responsible for the spiritual ideological National Socialist direction of the German people."
>
> 1814-PS - Organisationsbuch der NSDAP, (Organization Book of the NSDAP), Editions of 1936, 1938 and 1940, pp. 86-88.

Referring to the mission of the Ortsgruppenleiter (local chapter leader) of the NSDAP, the Party Organization Book states:

> "As Höheitsträger (bearer of sovereignty) all expressions of the party will emanate from him; he is responsible for the political and ideological leadership and organization within his zone of sovereignty."

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1893-PS - Organisationsbuch der NSDAP (Organization Book of the NSDAP, 1943 Edition, p. 120.

Similar statements are made with regard to the Kreisleiter (county leader) and the Gauleiter (Gau leader) and the Reich Directorate.

Ibid, pp. 132, 136, 148.

b. The Nazi Party leadership was entitled to control and dominate the German state and all related institutions and all individuals therein.

Hitler said at the 1935 Nürnberg Party Congress:

> "It is not the State which gives orders to us, it is we who give orders to the State."

2775-PS - Der Kongress zu Nürnberg, (Nürnberg Party Congress), Central Verlag der NSDAP, p. 204.

The defendant Frick declared in a similar vein:

> "In National Socialist Germany, leadership is in the hands of an organized community, the National Socialist Party; and as the latter represents the will of the nation, the policy adopted by it in harmony with the vital interests of the nation is at the same time the policy adopted by the country..."

2771-PS - U. S. State Dept., "National Socialism," p. 44 quoting Germany Speaks (pp. 30-31).

Goebbels declared:

> "The Party must always continue to represent the hierarchy of National Socialist leadership. This minority must always insist upon its prerogative to control the state.... It is responsible for the leadership of the state and it solemnly relieves the people of this responsibility."

2771-PS - U. S. State Dept., "National Socialism," p. 44, quoting from Goebbels, Wesen und Gestalt des Nationalsozialismus (The Nature and Form of National Socialism), p. 19.

The defendant Hess remarked that the Party was a "necessity" in the German state and constituted the cohesive mechanism with which to "organize and direct offensively and defensively the spiritual and political strength of the people."

2426-PS - HESS, Reden, Verlag Franz Eher, Munich, 1938.

Nazi interpreters of constitutional law expressed the same idea.

> "The NSDAP is not a structure which stands under direct state control, to which single tasks of public administration are entrused by the state, but it holds and maintains its claim to totality as the 'bearer of the

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German state-idea' in all fields relating to the community -- regardless of how various single functions are divided between the organization of the Party and the organization of the State."

2771-PS - U. S. State Dept., "National Socialism," p. 49, quoting Neese, Die Nationalsozialistische Deutsche Arbeiterpartei-Versuch einer Rechtsdeutung (The NSDAP - a Search for True Significance), Stuttgart, 1935, p. 131.

This doctrine was incorporated into laws which established the NSDAP as "the only political party in Germany" and declared the NSDAP "The bearer of the German state idea" and "indissolubly linked to the state."

1388-A-PS - Gesetz gegen die Neubildung von Parteien, (Law against the Reestablishment of Parties), 1933 Reichsgesetzblatt, Part I, p. 479.

1395-PS - Gesetz zu Sicherung der Einheit von Partei und Staat, (Law to Assure the Unity of Party and State) 1933, Reichsgesetzblatt, Part I, p. 1016.

c. The Nazi Party leadership was entitled to destroy all opponents.

Reference is made generally to the next following sections of the brief on paragraph IV D of the Indictment on the acquiring and consolidation of political control of Germany for proof of this allegation.